

News from Asia Watch

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POLICIES OF THE PAKISTANI MILITARY TOWARD THE AFGHAN RESISTANCE: HUMAN RIGHTS IMPLICATIONS

Earlier this month, two Asia Watch researchers travelled to the border area around Peshawar, Pakistan, to investigate human rights and humanitarian issues in the context of the Soviet withdrawal from Afghanistan. One researcher also visited areas under mujahedin control in the Ningrahar Province of Afghanistan. This paper presents initial findings; Asia Watch will shortly publish a more comprehensive report on these issues.

SUMMARY

With Soviet troops out of Afghanistan, commentators are speculating as to whether a "bloodbath" will occur. In fact, a bloodbath has already taken place, with an estimated 1.2 million Afghans having met violent deaths since the 1978 coup and the 1979 Soviet intervention, the majority as a result of indiscriminate Soviet attacks on the civilian population which continued until the end of the withdrawal. Asia Watch is seriously concerned that the Pakistani military, in particular its Inter-Services Intelligence Directorate (ISI) led by Lieutenant General Hamid Gul, is now putting pressure on resistance commanders inside Afghanistan to mount such indiscriminate attacks on major cities in violation of the laws of war protecting civilians.

Asia Watch is also concerned that outside forces, and in particular the Pakistani military, are acting in conjunction with the Afghan parties they support to restrict the freedom of Afghans to make political choices about the future of their country.

Both policies are being pursued by the Pakistani military using American-supplied weapons and funds as bargaining chips.

BACKGROUND

Under the Geneva accords signed last April, all Soviet military forces left Afghanistan by February 15. The government of Afghanistan, led by President Najibullah, leader of the Soviet-supported People's

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Democratic Party of Afghanistan (PDPA), holds the capital of Kabul and other major cities. Most of the rest of the country, including the major roads and an increasing number of military garrisons and provincial capitals, is under the control of the Islamic resistance (*mujahedin*), who have been supported by the United States, Pakistan, China, Iran, Saudi Arabia and others.

The resistance includes both the commanders fighting inside Afghanistan and the many political organizations to which they are more or less linked. Seven of these organizations, representing Afghanistan's Sunni Muslims, are based in the Pakistani city of Peshawar. These parties have formed a loose coalition known as the Islamic Unity of Afghan Mujahedin (IUAM), or the Alliance. Four of them are frequently described as "fundamentalist", and three as "moderate" or "nationalist". Iran recognizes eight smaller parties, based in Qom, Iran, as representatives of Afghanistan's Shi'a minority, comprising 15-20 percent of the population.

The existence of these parties derives from a combination of Afghan political networks and foreign support. The Pakistani ISI has largely been delegated the power to distribute the resources supplied by the U.S. It has used this power to favor the Hezb-e Islami, led by Gulbuddin Hekmatyar, over the other parties, and the "fundamentalists" over the "moderates" in the distribution of weapons and aid.

One party of the Alliance, the Islamic Unity led by Abd-ur-Rabb-ur-Rasul Sayyaf, developed almost entirely as a channel for money contributed by the Islamic Wahhabi movement of the Arab Gulf states, which previously had almost no adherents in Afghanistan. The Arab Wahhabis have also generously funded another, explicitly Wahhabi, movement. This movement, led by Jamil-ur-Rahman in Kunar Province of Northeast Afghanistan, is outside the Alliance. It has set up a competing *shura* (governing council) in Kunar Province, which is now controlled by the *mujahedin*. Hundreds of Arab volunteers have flocked to Kunar.

Similarly, the Iranian government has funded and supported groups who support the line of Ayatollah Khomeini among the Shi'a, while more traditional Shi'a groups in Afghanistan have failed to find patrons.

Some of the members of the nationalist parties in the Peshawar Alliance are partisans of the former king of Afghanistan, Zahir Shah, but he has no formal representation within the resistance. Zahir Shah reigned from 1933 to 1973, since which time he has lived in Rome. During Zahir Shah's reign, Afghanistan began to develop those close links to the U.S.S.R. which some Afghans believe led to the 1978 coup and the 1979 Soviet intervention. His government also inaugurated modest social reforms, while engaging in what critics call only token efforts to develop the country economically and raise the standard of living. Some members of ethnic minorities who charge that the monarchy favored the dominant Pashtun ethnic group, are opposed to Zahir Shah. Some, especially younger people, see him as a symbol of Afghanistan's past stagnation and weak leadership. Zahir Shah remains popular among many Pashtuns, in particular among the 3 million predominantly Pashtun refugees in Pakistan.

Most of the current supporters of Zahir Shah do not favor the restoration of the monarchy. Rather, they believe that the ex-king could play a personal role in bringing about a relatively peaceful transition to a new government by encouraging defections from the Kabul regime, uniting resistance commanders inside Afghanistan, and presiding over a caretaker government until refugees return and elections can be held.

Under Zahir Shah the government of Afghanistan encouraged the development of Afghan nationalism. A component of this nationalism was opposition to the incorporation into Pakistan of the predominantly Pashtun Northwest Frontier Province, which the Afghan government and some anti-government activists in Pakistan referred to as "Pashtunistan." The "Pashtunistan question" embittered relations between the two countries for decades and contributed to a feeling of insecurity in Pakistan, faced with what it considered to be opponents on both the Indian and Afghan borders. Important elements of the Pakistani government, especially but not exclusively the military, hope that the establishment of a fundamentalist government in Afghanistan will put an end to Afghan nationalism. Gulbuddin Hekmatyar, the ISI-backed leader of the Hezb-e Islami, has even suggested that Afghanistan and Pakistan be merged into one country.

RESTRICTIONS ON FREEDOM OF EXPRESSION AND POLITICAL PARTICIPATION BY AFGHAN EXILES IN PAKISTAN

With the withdrawal of Soviet troops, all of these political forces must deal with two new questions: how to form a new government to replace the regime in Kabul, and how to gain control of the major centers of population. Many believe that the two questions are linked, as a convincing political alternative to the present government would encourage defections and perhaps obviate the felt need for a military offensive, which could cause severe damage to civilian life and property.

In order to deal with the political question, the Sunni Alliance decided to convene a *shura*, or consultative council, to form a new government. After nearly two weeks of negotiations, the *shura* approved a government composed of the existing seven leaders.

Article 21 of the Universal Declaration of Human Rights provides that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." Throughout the war, the main forces preventing Afghans from exercising that right have been the PDPA and its Soviet patrons. Asia Watch is now concerned that the many foreign patrons of the Afghan resistance are also preventing some Afghans from exercising that right, in particular those Afghans who favor Zaher Shah. The most influential force limiting the freedom of supporters of Zaher Shah is the Pakistani ISI, acting in conjunction with the Afghan organizations it favors, mainly the Hezb-e Islami of Hekmatyar.

On February 8, two days before the *shura* began its deliberations in Islamabad, supporters of Zaher Shah organized a peaceful demonstration in Peshawar. According to eye-witnesses interviewed by Asia Watch in Peshawar, the meeting of some 5000 people was broken up by a highly organized group of about fifty men, who charged the stage swinging sticks and shooting firearms in the air. They shouted "Death to Zaher Shah! Long live Gulbuddin Hekmatyar!" The witnesses said that Pakistani police, who had promised to protect the demonstrators, stood by and did nothing. They did not arrest a single rioter. A reporter for the Pashto service of the Voice of America, Abdul Bari Jahani, was beaten by the mob, as were several other journalists and the principal speaker, Azizullah Wasifi, a former cabinet minister and elder of the Alikozai tribe. Jahani subsequently broadcast his account of the incident on Voice of America and also shared it with Asia Watch. The incident was widely reported in the local press.

Pakistan and Iran have together prevented Zaher Shah from having direct contact with the Afghan refugees. The head of the ISI, General Gul, reportedly stated in 1988 that "Zaher Shah's chapter is closed." Similarly, Iranian Prime Minister Mir Hossein Mousavi stated on January 17 that it was "impossible" for Zaher Shah to return to Afghanistan. Since Zaher Shah could enter landlocked Afghanistan only through Pakistan or Iran (it is geographically possible but politically impossible for him to do so through the U.S.S.R.), his way is effectively blocked. Indeed, Zaher Shah has requested a visa from Pakistan for about two years now. The Pakistani authorities have refused to grant it. They have even refused him a transit visa which would allow him to proceed to Afghanistan.

The failure by Pakistani authorities to seriously investigate the February 1988 murder in Peshawar of Professor Sayd Bahauddin Majrooh has also had a chilling effect on supporters of Zaher Shah. Majrooh, a philosopher, poet, and director of the Afghan Information Centre, had often advocated a political solution based on the return of the ex-king. In the July 1987 issue of his Centre's *Monthly Bulletin*, he published the results of an opinion survey of Afghan refugees showing 72 percent of the men and a somewhat lower proportion of women in favor of Zaher Shah as the future leader of Afghanistan. (The methodology of the survey was undoubtedly flawed but the trend was clear.) After receiving a number of warnings, Majrooh was assassinated in his home on February 11, 1988. Asia Watch has received substantial evidence that the murder was carried out by the intelligence organization (Istakhbarat) of Hezb-e Islami (Hekmatyar), and that Pakistani police were

dissuaded from following up existing leads. The apparent impunity with which a prominent supporter of Zaher Shah was murdered has intimidated others of similar views, although there is no proof that this was the specific reason Majrooh was killed.

Asia Watch believes that this pattern of behavior limits the freedom of Afghans to choose their own government and to engage in freedom of expression. U.S. military and humanitarian aid to the resistance is one of the major resources the ISI has in exercising leverage over the Afghans. Asia Watch urges the U.S. government to use its influence with the government of Pakistan to urge officials there to allow freedom of expression and political participation to all Afghan refugees, including those who support Zaher Shah.

INDISCRIMINATE ATTACKS ON THE CITIES

During a visit to resistance-controlled areas of Ningrahar Province in eastern Afghanistan in early February, an Asia Watch researcher was told by three resistance commanders belonging to two different parties (one "nationalist" and one "fundamentalist") that the ISI was putting pressure on them to mount frontal attacks on the nearby city of Jalalabad, including indiscriminate shelling of the city. *Mujahedin* fighters told the researcher that a Pakistani military officer had visited their base three days before and told them to attack Jalalabad. The researcher was also told of pressure on commanders to attack Kabul.

The *mujahedin* commanders to whom Asia Watch spoke strongly protested that they did not wish to be forced into such a direct attack, as it would cause too many civilian casualties. Both the commanders and many other sources either in or close to the resistance described instances of looting, burning, and arbitrary killing by "undisciplined" elements among the *mujahedin*. They also reported such behavior as a matter of principle on the part of some Wahhabi and other groups, who adhere to the doctrine of *mafuhat* (rights of conquest), according to which inhabitants of a non-Islamic area are the booty of its Muslim conquerors. (Most Afghan Muslims who spoke to Asia Watch rejected this doctrine and claimed it has been imported by Arab Wahhabis.) Such incidents have occurred in Kunduz city; Asadabad (also known as Chaghasarai), the provincial center of Kunar; Shinwari and Bara Mohmand districts of Ningrahar Province; and Shewa (Khewa in the local dialect) district of Kunar, where on January 13-14, a group which included Wahhabi Arab volunteers killed much of the population of a government-controlled village named Kuna Deh, and raped an estimated 40 women.

Because of the difficulty of preventing such incidents in the event of an undisciplined rush into the cities, the Ningrahar commanders who spoke to Asia Watch said that they prefer to continue a blockade of Jalalabad and pursue negotiations and underground political work aimed at encouraging the surrender or defection of substantial portions of the armed forces. According to public statements they have made, Abdul Haq and Ahmad Shah Massoud, the major commanders respectively to the south and north of Kabul, wish to pursue a similar strategy.

Asia Watch notes that indiscriminate attacks on civilians are forbidden by the Geneva Conventions. By putting pressure on military commanders to engage in such attacks, the Pakistani military appears to be violating those conventions, which Pakistan has ratified.

The indiscriminate bombings and firing of SCUD missiles on populated areas by the departing Soviet forces and the Kabul regime has also violated the Geneva Conventions. Asia Watch has learned of major damage to civilian life and property as a result of these attacks in Salang, Panjsher, Takhar, and Kandahar.

Asia Watch urges the United States as a party to the Geneva Conventions to use its influence with Pakistan to prevent pressure on resistance commanders to undertake indiscriminate attacks on civilian areas, especially as U.S.-supplied weapons would play a major role in such attacks.

News from Asia Watch is a publication of Asia Watch, an independent organization that monitors and promotes human rights in Asia. The Chairman is Jack Greenberg. The Vice Chairmen are Matthew Nimetz and Aryeh Neier. The Executive Director is Sidney Jones and Eric Schwartz is the Washington Office Program Director and Counsel. Asia Watch is part of Human Rights Watch which is also comprised of Americas Watch, Helsinki Watch and Africa Watch.